

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

AMERANTH, INC.

§

vs.

§

CASE NO. 2:07-CV-271-CE

MENUSOFT SYSTEMS CORPORATION  
AND CASH REGISTER SALES &  
SERVICE OF HOUSTON, INC.

§  
§  
§  
§

**ORDER**

The above-titled and numbered civil action was referred to the undersigned pursuant to 28 U.S.C. § 636. The undersigned entered two reports and recommendations (Dkt. Nos. 197 & 201), which recommended that the court deny the defendants Menusoft Systems Corporation's ("Menusoft") and Cash Register Sales & Service of Houston, Inc.'s ("CRS") motion for partial summary judgment of no indirect infringement (Dkt. No. 142) and motion for summary judgment of no hierarchical tree format (Dkt. No. 136) respectively. After entry of these reports and recommendations, the parties consented to allow the undersigned to preside over this case.

On September 7, 2010, Menusoft and CRS objected to both reports and recommendations (Dkt. Nos. 222 & 223). The court has reviewed the defendants objections but is of the opinion that the conclusions in the reports and recommendation are correct. Therefore, the court adopts, in its entirety, both reports and recommendation as the conclusions of this court. Accordingly, Menusoft's and CRS's motions for summary judgment of no indirect infringement and no hierarchical tree format are DENIED.

SIGNED this 13th day of September, 2010.

  
Charles Everingham  
CHARLES EVERINGHAM IV  
UNITED STATES MAGISTRATE JUDGE